

**PROPOSED FINAL ORDER OF THE  
JUNCTION CITY PLANNING COMMISSION  
REZONE (RZ-14-03) IVORY LLC**

**A. THE JUNCTION CITY PLANNING COMMISSION FINDS THE FOLLOWING:**

- a. The property owner, Ivory LLC, initiated the Rezone request on May 23, 2014 as authorized by Section 17.145.010 of the Junction City Municipal Code. The application was deemed complete June 16, 2014.
- b. The Junction City Planning Commission followed procedures for a Type III Quasi-Judicial Hearing per Junction City Municipal Code Section 17.150.070 (A)(3).
- c. The Junction City Planning Commission held a public hearing on July 15, 2014 in accordance with Junction City Municipal Code Section 17.150.090 after giving the required notice per Section 17.150.080 and considered all material relevant to the Rezone Request that has been submitted by the applicant, staff and the general public regarding this matter.
- d. The subject property is currently designated Commercial by the Junction City Comprehensive Plan.
- e. The General Commercial Zoning District implements the Commercial Plan Designation of the Junction City Comprehensive Plan.

**B. CONDITIONS OF APPROVAL:**

1. **CONDITION:** The applicant will submit a transportation impact analysis that is found compliant with OAR 660-012-0060.

**C. IT IS HEREBY ORDERED THAT the Junction City Planning Commission recommends approval of the zone change for Assessor's Map and Tax Lot 16-04-08-31; Tax Lot: 00400 and Assessor's Map and Tax Lot 16-04-08-00-00700 based on the following Findings of Fact:**

**Title 17—Zoning**

**Section 17.145.010. Authorization to Initiate Amendments. An amendment to the text or the zoning map of this ordinance may be initiated by the City Council, by the Planning Commission or by application of a property owner or his authorized agent. The Planning Commission shall, within 40 days after a hearing, recommend to the City Council approval, denial, or modification of the proposed amendment. An amendment to the text or the zoning map may be consolidated with a related amendment to the comprehensive plan text or map.**

**FINDING:** The applicant, William Boresek and property owner, Ivory LLC. have initiated an amendment to the City of Junction City Zoning Map. The applicant has requested to amend the City of Junction City Zoning Map to zone the subject property General Commercial (GC). As such, the above stated criterion is satisfied.

**Section 17.145.020. Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the city. The application shall be accompanied by a fee equal to the average cost of such applications as established by the City Council.**

**FINDING:** The Applicant submitted payment of the appropriate fee for this application on May 23, 2014. This criterion is met.

### **Junction City Comprehensive Plan Compliance**

Junction City's Municipal Code does not contain criteria for addressing proposed changes to the zoning map. Therefore, the criteria to be applied in this case consist of demonstrating compliance with Oregon's Statewide Planning Goals and Junction City Comprehensive Plan. Because the proposal to apply "General Commercial" zoning is essentially identical to the existing plan designation of "Commercial" on the Comprehensive Plan Map, the Applicant has submitted Comprehensive Plan Compliance findings. Staff has prepared findings and responses to the applicant's written statement that address applicable Junction City Comprehensive and Plan Policies Statewide Planning Goals.

### **Chapter 1: Citizen Involvement Element**

**FINDING:** As stated by the applicant in their written statement, attached to the staff report as Exhibit II, this element of the Comprehensive Plan will be met by compliance with the adopted notification and hearing processes under Junction City Municipal Code Sections 17.145.030, 17.150.070 and 17.150.080

**FINDING:** The City is processing the Zone Change a Type III Legislative Decision per Section 17.150.070 and scheduled a hearing before the Junction City Planning Commission on July 15, 2014.

**FINDING:** On July 4, 2014 the public hearing was advertised in the Register Guard Newspaper, at least 10 days prior to the public hearing scheduled for July 15, 2014 and on June 19, 2014 the City mailed public notice of applicant's request to all property owners within 300 feet of the subject site per Section 17.150.080 of the City's zoning code.

### **Chapter 2: Environmental Element**

**FINDING:** Comments received from the Department of State Lands indicate the National Wetlands Inventory or the Local Wetlands Inventory show a wetland on the property. Prior to issuance of a development permit, the request would be referred to the Division of State

Lands and Army Corp of Engineer for their review and comment. This review would takeplace during the Development Review process at the City. The Zone change request does not affect delineated wetlands.

### **Chapter 3: Land Use Element**

**FINDING:** Table 3-1 of the Land Use Element specifies that the General Commercial Zoning District implement the Commercial land use designation of the Junction City Comprehensive Plan. The requested zoning by the applicant, General Commercial, is consistent with this table and the Junction City Comprehensive Plan.

**FINDING:** The proposed General Commercial zoning for the property is consistent with Chapter 3 of the Junction City Comprehensive Plan.

### **Chapter 4 – Economic Development Element**

**FINDING:** Policy 4.4.1 of Chapter 4 of the Junction City Comprehensive Plan states “Designate a site for a commercial center. This site should have direct visibility and access to Highway 99 and, if practical, direct access to other major roads that connect Junction City with nearby rural communities. The site should be located near to residential areas in the City to allow for easy access to the site for residents of the City.”

**FINDING:** The subject site was identified in the City’s recent UGB Amendment (expansion). The City of Junction City’s Urban Growth Boundary (UGB) was amended through Periodic Review, which included the subject property. The Oregon Department of Land Conservation and Development acknowledged the City of Junction Comprehensive Plan to comply with the 19 Statewide Planning Goals (DLCD Order #001840, dated August 19, 2013).

### **Chapter 6: Transportation Element**

**FINDING:** The site borders Highways 36 and 99, State Facilities, therefore there is no applicable Transportation Policies that relate to this zone change request. Statewide Planning Goal Compliance for Transportation is addressed under Goal 12, Transportation Planning Rule, below.

### **Chapter 7: Public Facilities Element**

**FINDING:** The Junction City Comprehensive Plan states: “It is the goal of this plan to provide public facilities in an efficient and timely manner at level in excess of projected demands.” (Chapter 7, p. 1)

**FINDING:** The City agrees with the applicant’s statement that the goal is generally not applicable to the zone change request When development is proposed for the subject property key urban facilities and services will either be immediately available or will be able to be extended in an orderly manner”. Water and sewer lines have been extended along the eastern boundary of the subject site. Any development on the subject site will be required to demonstrate adequate water supply and sewer treatment and disposal capacity are available.

## **Oregon Statewide Planning Goal Compliance**

### **Goal 1 Citizen Involvement**

***Goal 1 - Citizen Involvement.** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**FINDING:** This goal will be met by compliance with the adopted notification and hearing processes under Junction Municipal Code Sections 17.145.030, 17.150.070 and 17.150.080.

### **Goal 2 Land Use Planning**

***Goal 2 - Zoning: Land Use Planning: Goal 2 - Land Use Planning:** To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**FINDING:** Goal 2 (Land Use Planning) outlines the basic procedures of Oregon's statewide planning program, stating that land use decisions must be made in accordance with comprehensive plans and that effective implementation ordinances must be adopted.

The subject site was identified in the City's recent UGB Amendment (expansion). When the City of Junction City's Urban Growth Boundary (UGB) was amended through Periodic Review to include the subject property, the Oregon Department of Land Conservation and Development acknowledged the City of Junction Comprehensive Plan to comply with the 19 Statewide Planning Goals (Periodic Review, DLCD Order #001840, dated August 19, 2013).

During the periodic review process, the City agreed to designate the subject site on the Comprehensive Plan Map as Commercial. On September 18, 2012, The City adopted Ordinance 1212 to amend the Junction City Comprehensive Plan Map to designate the subject site as 'Commercial.'

General Commercial (GC) zoning implements the City's Comprehensive Plan land use designations, Chapter 3 Table 3-1. Therefore, the zone change request to General Commercial is consistent with the City's DLCD acknowledged Comprehensive Plan.

### **Goals 3 Agricultural Lands and 4 Forest Lands**

***Goal 3 - Agricultural Land:** To preserve and maintain agricultural lands.*

***Goal 4 - Forest Lands:** To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

**FINDING:** Goal 3 requires counties to inventory agricultural lands and to maintain and preserve them through EFU zoning. Because the subject property is designated Commercial in the acknowledged Urban Growth Boundary of the City of Junction City and identified for urban uses, Goals 3 and 4 are not applicable.

### **Goal 5 Open Spaces, Scenic and Historic Areas & Natural Resources**

*Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: To conserve open space and protect natural and scenic resources.*

**FINDING:** Goal 5 requires local governments to inventory and protect historic areas. The subject property is not included in the inventory (Resolution 314).

**FINDING:** Goal 5 requires local governments to inventory and protect natural resources. The 2012 DLCD acknowledged Comprehensive Plan update includes a Goal 5 inventory. The inventory identified locally significant wetlands. The subject property was not listed in this inventory, therefore it is consistent with Goal 5

### **Goal 6 Air, Water and Land Resources Quality**

*Goal 6 - Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.*

**FINDING:** Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations. The proposed Zone Change has no Goal 6 impact. Environmental impacts will be addressed in the subsequent land use review for any future proposed development.

### **Goal 7 Areas Subject to Natural Disasters and Hazards**

*Goal 7 - Area Subject to Natural Disasters and Hazards: To protect life and property from natural disasters and hazards.*

**FINDING:** Goal 7 requires that jurisdictions apply appropriate safeguards when planning development in areas that are subject to natural hazards such as flood hazards. The only identified natural hazard in Junction City is flooding. Junction City has an acknowledged floodplain protection ordinance. Land within the floodway is considered unsuitable for urban development. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (#41039C0604F) covering the subject property indicates that the property is in Flood Zone X, areas determined to be outside a 500-year floodplain. The proposed Zone Change will not affect Natural Disaster or Hazard risk area boundaries. Thus, Goal 7 has been properly addressed. Identification of possible flood hazards and their impacts on future proposed development will be addressed during land use review.

### **Goal 8 Recreation Needs**

***Goal 8 - Recreational Needs:*** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**FINDING:** The proposed Zone Change does not affect any lands identified as having high recreation resource value; this Goal is not applicable.

### **Goal 9 Economy of the State**

***Goal 9 -Economic Development:*** *Goal 9 - Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**FINDING:** The subject site was identified in the City's recent UGB expansion and designated Commercial on the Plan Designation Map. When the City of Junction City's Urban Growth Boundary (UGB) was amended through Periodic Review to include the subject property, the Oregon Department of Land Conservation and Development acknowledged the City of Junction Comprehensive Plan to comply with the 19 Statewide Planning Goals (Periodic Review, DLCD Order #001840, dated August 19, 2013).

### **Goal 10 Housing**

***Goal 10 - Housing:*** *To provide for the housing needs of citizens of the state.*

**FINDING:** This proposal does not involve any lands designated for residential uses, and therefore does not directly impact housing. Goal 10 compliance is unaffected by this proposal.

### **Goal 11 Public Facilities and Services**

***Goal 11 - Public Facilities and Services:*** *to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**FINDING:** The DLCD acknowledged 2012 Comprehensive Plan found compliance with the Statewide Planning Goals, including Goal 11 (Ordinance 1212, Appendix 1, Page 144).

**FINDING:** The proposed Zone Change poses no impact on provision of public facilities and services. Water and sewer lines have been extended to the eastern boundary of the subject site. Any future development will be required to demonstrate adequate water supply and sewer treatment and disposal capacity necessary for said development.

### **Goal 12 Transportation**

***Goal 12 - Transportation:*** *To provide and encourage a safe, convenient and economic transportation system.*

**FINDING:** Goal 12 encourages the provision of a safe, convenient and economic transportation system. This goal also implements provisions of other statewide planning

goals related to transportation planning in order to plan and develop transportation facilities and services in coordination with urban and rural development (OAR 660-012-0000(1)).

*As stated in 660-012-0060 “Where an amendment to a functional plan, acknowledged comprehensive plan, or land use regulation would significantly affect an existing or planned transportation facility, the local government shall put onto place measures to assure allowed land uses are consistent with the identified function, capacity, and performance standards of the facility.”*

**FINDING:** The applicant’s rezone request from county zoning to city zoning allows for future commercial development of the site. In anticipation of that development, a TIA would be necessary. “ODOT concurs that a TIA should be prepared to evaluate the potential impacts of this proposed rezoning and to determine if any improvements will be necessary to ensure continued acceptable operations of the state highways adjacent to the property (ODOT letter dated June 27, 2014).

**FINDING:** A determination regarding the significance of the effect that the rezoning will have on existing transportation facilities will not be known until the time a development permit is requested. At that time a traffic impact analysis will be required unless the issue is address by the Transportation System.

**CONDITION:** The applicant will submit a transportation impact analysis that is found compliant with OAR 660-012-0060.

### **Goal 13 Energy**

***Goal 13 - Energy Conservation:** This goal states: “Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”*

**FINDING:** Goal 13 requires land and uses developed on the land to be managed and controlled to maximize the conservation of all forms of energy, based upon sound economic principles. Energy consequences of the proposed urban growth area amendment have been considered in the Goal 14 alternatives analysis process undertaken as a part of the recently approved UGB expansion. The proposed change in land use zoning does not include a proposed use. Therefore, Goal 13 has been adequately addressed.

### **Goal 14 Urbanization**

***Goal 14 - Urbanization:** To provide for an orderly and efficient transition from rural to urban land use.*

**FINDING:** The proposed Comprehensive Plan Map Amendment does not involve urbanization of any land not currently within the Junction City UGB. The site was annexed and part of a recently approved UGB expansion; Goal 14 impacts have been previously addressed in detail through that earlier process. The proposed Comprehensive Plan Map designation is consistent with Goal 14.

**Goal 15 through 19**

***Goal 15 - Willamette River Greenway:** To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

***Goals 16-19; Estuary Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources:** These goals are not relevant to this proposed amendment because there is no coastal, estuarine, ocean, or beach and dune resources related to the site.*

**FINDING:** Goals 15 through 19 are related to the Willamette Greenway and coastal resources. As such, these goals do not apply to the subject sites and no further analysis is required.

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Signature:

Jason Thiesfeld, Junction City Planning Commission Chairperson

Approval Date:

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